

REMARKS

This Amendment is being filed in response to the Final Office Action mailed June 9, 2008, which has been reviewed and carefully considered. Entry of the present amendment and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Final Office Action, the Examiner objected to the specification for lacking headings. Applicants respectfully decline to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification. Accordingly, withdrawal of the objection to the specification is respectfully requested.

In the Final Office Action, the Examiner objected to claim 8 for certain informalities. In response, claim 8 has been amended in accordance with the Examiner's suggestion. It is respectfully submitted that the objection to claim 8 has been overcome and withdrawal of this objection is respectfully requested.

In the Final Office Action, claims 1-2 and 8-14 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No.

6,118,613 (Kojima). Claims 15-16 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kojima in view of U.S. Patent No. 4,783,774 (Enomoto). Claim 4 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kojima in view of U.S. Patent No. 5,635,848 (Hammond). Claims 5-7 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kojima in view of Enomoto and Hammond. It is respectfully submitted that claims 1-2 and 4-16 are patentable Kojima, Enomoto and Hammond for at least the following reasons.

Kojima is directed to an electromagnetic actuator drive circuit connected to a negative resistance circuit shown as reference numeral 36 in FIG 5 and reference numeral 37 in FIG 6. As recited on column 12, lines 10-27 and column 13, lines 20-43, the negative resistance circuits 36, 37 are operated based on the frequency of the signal source 5 being higher or lower than a cut-off frequency where a capacitor 49 of an impedance circuit 47 becomes either a short or an open. Assuming, arguendo, that the impedance circuit 47 is analogous to a switch, such a switch is controlled based on the frequency of the signal source 5.

In stark contrast, the present invention as recited in

independent claim 1, and similarly recited in independent claim 8, amongst other patentable elements, recites (illustrative emphasis provided):

changing electrical damping of the actuator by selectively activating at least one switch, in response to a control signal from a controller, for switching in or out an electrical damping element providing a negative resistance.

A switch which is selectively activated for switching in or out an electrical damping element providing a negative resistance, where the switch is responsive to a control signal from a controller, is nowhere taught or suggested in Kojima.

Further, the present invention as recited in independent claim 9, and similarly recited in independent claim 12, amongst other patentable elements, specifically recites (illustrative emphasis provided):

the actuator driver circuit comprising a drive signal source connected to the first terminal of the actuator, and an electrical damping element having a negative resistance connected between the second terminal of the actuator and ground.

A drive signal source connected to the first actuator terminal, and an electrical damping element having a negative

resistance connected between the second actuator terminal and ground, are nowhere taught or suggested in Kojima. Rather, the Kojima negative resistance circuits 36, 37 are connected between one actuator terminal and a signal source, where the other actuator terminal is connected to ground. Enomoto and Hammond are cited to allegedly show other features and do not remedy the deficiencies in Kojima.

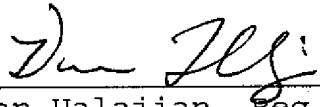
Accordingly, it is respectfully submitted that independent claims 1, 8-9 and 12 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2, 4-7, 10-11 and 13-16 should also be allowed at least based on their dependence from independent claim 1, 8-9 and 12.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Amendment in Reply to Final Office Action mailed on June 9, 2008

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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